



Texas Juvenile Justice Department

Board Meeting

Friday, April 6, 2012 - 9:00 a.m.

The Worthington Renaissance Hotel

200 Main Street

Fort Worth, Texas 76102

BOARD MEMBERS PRESENT:

Scott W. Fisher, Chairman
The Honorable John Brieden III
The Honorable Carol Bush
Michael Meade
Dr. Rene Olvera
The Honorable Jimmy Smith
Melissa Weiss

Rob Kyker, Vice-Chairman
Joseph Brown
Jane Anderson King
MaryLou Mendoza
The Honorable Laura Parker
Calvin Stephens

EXECUTIVE STAFF PRESENT:

Cherie Townsend, Executive Director
Robin McKeever, Deputy Executive Director
Janie Ramirez Duarte, Financial Officer
Linda Brooke, Director of External Affairs
and Communications
James Smith, Associate Deputy Director
Continuum of Youth Services

Karin Hill, Director of Internal Audit
Debbie Unruh, Chief Ombudsman
Lisa Capers, Executive Project Manager
Cris Love, Chief Inspector General
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Art Hinojosa, TJJD
Allison Voss, TJJD
Doug Vance, TJJD Advisory Council
Bennie Medline, Tarrant Co. Juvenile Services
Lauren Rose, Texas Care for Children
Bill Bristow, Grayson Co. Juvenile Services
Randy Turner, Tarrant Co. Juvenile Services

Call to Order

Chairman Fisher called the Texas Juvenile Justice Department Board meeting to order on April 6, 2012; at 9:00 a.m. Chaplain Allison Voss led the opening prayer. All present recited the Pledge of Allegiance.

Public Comment

Mr. Doug Vance, Chief Juvenile Probation Officer of Brazos County, appeared representing the Texas Juvenile Detention Association (TJDA). He reported the board was given a document drafted by TJDA Board President Neil Eddins, who is the facility administrator of Randall County.

He reported that the TJDA is a professional juvenile justice organization that focuses solely on institutional care and correctional management. They work with personnel at detention centers and have been around since the 1970s and are closely associated with the Juvenile Justice Association of Texas (JJAT). They advocate for correctional, detention, personnel, facilities and standards of systems, and that is what the document presented to the board is focused on.

He highlighted several points, including a review of the standards of care by which facilities must operate. There are several specific concerns, one with the Compliance Resource Manual, an addendum to the standards themselves that facilities are also mandated to adhere to and are monitored on. TJDA feels that is not appropriate, although they're making some good points in the Compliance Resource Manual, it's not the standards. Instead, it's a commentary and discussion about the standards and it causes concerns because it supersedes local authority that tells you how to meet the standards, to let the facilities meet the standards themselves. TJDA asks the board to direct the Advisory Council to study the issue.

On the auditing process, facilities are monitored or audited once a year by TJJD staff; they think the auditing process could be improved upon. It's currently handled by documentation review, and in some cases they don't walk through the facility; it's heavily slanted towards documents and policies and procedures. TJDA believes there is a better way to do it and asks that the Advisory Council look

at the process to see if there's a better way to conduct audits that would make more sense and be of more value to ensure the safety and security and order occurring in the facilities.

Mr. Vance stated they would like the board to direct the Advisory Council to look at the standards themselves. He stated that the association feels a standard system based more on performance would be better. Performance-based standards could be measured by things that matter in order to have a safe, secure, orderly, and healthy facility.

Mr. Vance concluded by again requesting the board direct the Advisory Council to study the matter to assess feasibility. He stated the report also listed specific standards that members of the TJDA listed that they wanted to have revisions made to.

February 17, 2012, Meeting Minutes

Ms. Jane King moved to approve the February 17, 2012 meeting minutes. Mr. Jimmy Smith seconded. The motion passed unanimously.

Report from the Executive Director

Ms. Cherie Townsend, Executive Director, reported on the agency's organizational structure and efforts to fill key positions in training, certification, community services and supports, and facility leadership. Mr. Albert Cervantez was appointed Superintendent of the McClennan County State Juvenile Correctional Facility. Mr. Cervantez previously served as Assistant Detention Superintendent at the John R. Roach Juvenile Detention Center in Collin County.

Ms. Townsend reported the TJJD Advisory Council met March 7, 2012 to begin looking at priorities and responsibilities and invested much of the time in strategic planning. She also reported that of the prevention and early intervention demonstration grants awarded, one of the 23 was not able to be implemented and two other proposals in that same region received an award in its place.

She reported much of her time has been spent on internal operations, primarily at the Giddings State School. They have temporary leadership with James Smith, Associate Deputy Director Continuum

of Youth Services, spending much of his time there. He has done an excellent job with the onsite team and staff brought in from other facilities to re-establish basic facility structure.

We are continuing to pay close attention to Evins Regional Juvenile Center, to ensure smooth operations. She reported Dottie Luera, Community Relations Coordinator at Gainesville State School, has been named one of the Best in the Business by the American Correctional Association.

She further reported her participation in the House Corrections Committee hearing on their interim charges and meeting with the Texas Parks & Wildlife Department and stakeholders to develop an action plan for the Parrie Haynes Ranch.

She has participated in collaborative meetings and conferences with the Texas Juvenile Detention Association, the Texas Probation Association, the Supreme Court Juvenile Justice Committee, the Texas Coalition of Juvenile Criminal Justice, and the Advisory Council on Juvenile Services.

Report from the Inspector General (OIG)

Mr. Cris Love, Chief Inspector General, directed the board's attention to his report in their notebooks, and stated projections for FY 2012 are similar to FY 2011. He reported a slight increase in criminal investigations opened compared to FY 2011.

Concerning investigation and case analysis time lines dealing with criminal and administrative investigations, the date the investigation was opened through date the investigation was closed is a measure of investigator performance. The date reported is a measure of overall OIG time lines. He also reported on pending prosecution analysis when cases are submitted for prosecution, as well as time lines associated with length of time it takes cases to get through the adjudication system.

Inspector General Love stated carryover cases were opened prior to the beginning of the fiscal year and closed in the current fiscal year. There are 254 open criminal cases and 258 open administrative cases as of March 28, 2012.

He reported effective March 1, 2012, the Administrative Investigations Division of the OIG was reorganized underneath TJJD's Administrative Investigation Division. Eight individuals from OIG were transitioned to the Department's Administrative Investigations Division; six are investigators in the field that are non-commissioned investigators and two are administrative investigator support staff located at Central Office in Austin. Inspector General Love assured the board there will continue to be close communication between the OIG Investigators in the field and the supervision staff at Central Office.

In response to a question by Judge Brieden, Inspector General Cris Love confirmed the OIG is now only investigating criminal allegations reported to the Incident Reporting Center (IRC).

The OIG's second quarter report is now posted on the agency's website and available for review. The Special Prosecution Unit report on criminal investigations associated with the agency is also located on the website, and their second quarter reports have been posted.

Report from the Independent Ombudsman (OIO)

Ms. Debbie Unruh, Chief Ombudsman, has continued her travel to facilities throughout the state, visiting 12 local juvenile detention centers, meeting with students and staff.

She reported the OIO has continued their regularly scheduled site visits, visiting all six secure facilities, five halfway houses and three contract care facilities in five local areas. At each site visit they do outreach with the superintendent or their designee to go over concerns identified at the time of their visit. OIO then submits a written site visit report to the facility superintendent requesting responses to the concerns.

In the last thirty days, the OIO has received 29 inquiries and 11 complaints. They also received requests from advocacy groups asking the Ombudsman's office to check on the youth at the Giddings State School. A team of ombudsmen went out to the facility and interviewed many students that were in security as well as across the campus. They identified some issues and concerns and have issued a preliminary report to the Executive Director and various members of the

Executive Management Team requesting a plan of action and response to their concerns. Once the information is received, it will be included in their final report on the Giddings State School.

In response to a request by Mr. Mike Meade, Ms. Unruh said she would provide the preliminary report to all board members.

Report from the Advisory Council

Mr. Doug Vance, Vice-chairman of the TJJD Advisory Council, reported the Advisory Council has met twice since inception, most recently on March 7, 2012 in San Marcos, Texas. Several topics were discussed, including an update from TJJD staff, including presentations from James Smith, Associate Deputy Director Continuum of Youth Services, and Amy Lopez, Superintendent of Education.

Mr. Vance reported on issues and concerns that the Advisory Council will consider working on; including finding ways to maximize funding opportunities in juvenile justice at the state and local level; developing strategies designed to increase the availability of mental health services for children involved in the juvenile justice system; assisting TJJD staff with strategic planning; developing performance measures with use of state grant funding; identifying specific standards-of-care concerns; and programming development, including possible restructure of parole services and the parole program.

Mr. Vance reported Chief Probation Officer Association members were polled for issues or concerns they would like the Advisory Council to look into; prioritizing 16 items. There is apparently a strong desire from several in the field for the Advisory Council to initiate a review of the Compliance Resource Manual, and also investigate the current system of facility standards. In addition, there are requests from the field to review the current grant funding formulas, as well as the current definition of recidivism rate.

Mr. Vance requested the board review the prioritized list of suggested projects and give the Advisory Council clear direction on whether the board would like to work on some or all of the projects highlighted, or any other projects the board would like the Council to work on.

Discussion ensued among Board members regarding prioritizing projects for the Advisory Council, including review of performance standards. Ms. Jane King requested the Advisory Council review the process for approving the standards, not just the standards.

Mr. Calvin Stephens noted that there's no African American representation on the Advisory Council. Ms. Weiss stated that when the Council was formed, the seven regional associations were given the opportunity to choose the representatives that they wanted to nominate for consideration. From those nominations, the board made their appointments to the Advisory Council. Ms. Townsend reported when she learned of this concern, she changed her appointment and appointed James Smith to the Advisory Council, who is of the African American descent.

Information on Activities for Agency Strategic Planning

Ms. Lisa Capers, Executive Project Manager, reported on activities related to the preparation of the 2013-2017 TJJD Strategic Plan that have occurred since the last update presented at the February 17, 2012 board meeting.

Stakeholder input was solicited at the Juvenile Law Conference in San Antonio February 27-29, 2012. They distributed 500 stakeholder surveys to all participants at that conference in order to get feedback for agency strategic planning. To date, they have received 104 completed surveys.

Focus Groups were held at the Chief Juvenile Probation Officer Summit held on March 8-9, 2012, where approximately 150 participants attended. The groups addressed three critical topics for strategic planning, including prevention and early intervention, mental health services and abuse services. The focus groups were asked what problems in these areas need to be addressed and then list the top five and their recommendations in those areas.

A statewide stakeholder email with a link to the stakeholder survey was also sent to every chief probation officer in each of 168 departments, facility administrators, probation quality assurance coordinators, volunteers, and families of youth and advocacy groups.

The survey link was also placed on the agency's employee gateway system, allowing access to the survey for every employee of the agency. The email was sent to over 1000 volunteers for the agency, asking their perspective on the agency's direction for strategic planning. Every family for whom the Agency had a current email address was sent an email requesting that they complete the survey. On visitation week, hard copies were given to those families of youth for whom there was no email address. As of last week there were 627 completed responses to the electronic survey.

The process has begun to assess the tactical needs and financial needs in all of the state institutions and halfway houses. The Fiscal Division sent an assessment to all those organizations, asking what are their tactical needs and financial needs going into the strategic plan and legislative appropriation process.

Ms. Capers reported there was a meeting with the Legislative Budget Board (LBB) staff on March 13, 2012, to continue the discussion of the budget structure, strategic planning activities, and direction. Three additional meetings are scheduled with LBB staff and the budget structure will be discussed at all meetings.

For strategic planning elements, there are two critical deadlines that have been confirmed by the Governor's Office Budget and Planning Division, and the LBB. April 20, 2012, is the deadline to submit all proposed changes to the budget structure; the strategic plan is due July 6, 2012. The biggest component of the strategic plan is the internal and external assessment. Staff is looking at the environment the agency is facing, trends and conditions, strengths and weaknesses, and opportunities available for the agency.

The Historically Underutilized Business (HUB) program is another key component of the strategic plan. Staff is working to set goals and objectives and strategies for implementation. Staff is working very hard on the workforce analysis, another critical piece of the strategic plan that talks about threats and opportunities faced by the workforce with succession and any other turnover.

Ms. Robin McKeever, Deputy Executive Director, presented a draft of the Agency's budget structure. She identified several issues in the process. Change requests are due for submission to the LBB and Governor's office April 20, 2012. Changes will be reviewed before detailed negotiations

are begun with the agency, usually in late May. In June the agency is officially notified of the approved budget structure which must be used for the legislative appropriations request (LAR) for the next biennium. The Board will review the LAR in August, which will incorporate the approved budget structure.

Ms. McKeever highlighted some examples of potential changes. One preference for this merged structure is a reduction of overall number of measures, which staff believes is too many to be useful in a practical way. There are 96 required measures currently in the structure, and 45 key measures that are listed in the Appropriations Act. Another potential change might be that a new Goal D might be helpful for capturing activities that now occur in the merged structure across Goal A and Goal B. Examples of those activities occurring both in Goal A and Goal B include training, certification, and monitoring abuse, neglect and exploitation cases. Another area of activities is for the Interstate Compact. They have responsibilities both in the community and in TJJD secured facilities.

A budget structure will be submitted to the LBB in two weeks; the board will be kept informed; the version submitted to the LBB will be available at the May meeting. If the board has any concerns or questions about that structure, staff will take them immediately to the LBB.

There was discussion regarding areas of concern Mr. Vance had about performance measures regarding juvenile services. Ms. McKeever stated that while the agency submits requested revisions, there is a lengthy process for negotiating details and opportunities for input. In response to a question from Dr. Olvera, Ms. Capers reported that the Research Division is synthesizing all of the electronic and hard copy survey responses and looking for trends and putting it into a reasonable format so that they can discuss what the findings are and share the findings with the board. Ms. McKeever reported they will be including a summary of the survey responses in the strategic plan itself.

In response to a question by Ms. Mendoza about proposed changes to education performance measures, Ms. McKeever stated staff would not proposed to delete key measures currently identified in the Appropriations Act without accounting for them in another place. Ms. Townsend stated that generally education measures are identified as very important key measures; some of those measures haven't been as meaningful in the past and may not be the best practice.

In response to a question by Ms. Mendoza, Ms. Capers stated she would provide the board members the link for the stakeholder survey.

Case Management and Treatment Audit

Ms. Karin Hill, Internal Audit Director, reported this audit was led by Managing Auditor Eleazar Garcia. Work on the three objectives of this audit covered April 2011 through January 2012. The objectives were to determine whether youths' identified treatment needs are being met, to determine whether sufficient resources are available to meet the program requirements, and to determine whether family involvement is adequately identified and utilized in the rehabilitation process.

This audit did not determine the effectiveness of treatment programs, but whether adequate processes and controls were in place to ensure that youth are provided the treatment they require. The review of documentation and discussion with youth identified that the Agency is doing a good job of getting the youth into the treatment they need; however, documentation of the treatment provided needs to be improved. Instances where documentation was incomplete, not completed at all, or lacked sufficient details to evaluate the quality of services provided were identified.

While monitoring processes have been developed and incorporated into standards, monitoring is not being conducted or documented consistently, resulting in weak documentation practices, services not being provided as expected, and other discrepancies that were identified by audit as unchecked by management. By ensuring monitoring processes are clearly defined, staff are trained on what is expected and can hold appropriate staff accountable for meeting their responsibilities, management can better ensure consistent case management practices and improve processes.

Audit staff observed difficulties case managers have with computers locking up, and discussion with Information Resources identified ongoing efforts between the Agency and the data center services contract vendor to address these issues. In addition, review of the youths' daily schedule, caseload sizes, and program requirements reflected difficulties that case managers report in completing their job requirements. Staff reported that responding to crises, assisting in security units, transporting

youths for medical appointments, monitoring youth at school, and the computer issues impact their ability to provide all the required services to youths.

Additionally, the youth are in school the majority of the day, leaving the late afternoon and evening hours, which also must include time for recreation, hygiene and other requirements, to complete group and individual counseling for caseloads of as many as 22 youth per case manager. For the locations visited during this audit, approximately 20 percent of case managers were not assigned caseloads for various reasons. While some of these were new staff that had not been fully trained and others that were out on FMLA, efforts to utilize staff not carrying a case load when possible and relieving others in their case management responsibilities would assist in this area.

The importance of family involvement in youth at rehabilitation is recognized through the design of the programs and requirements to routinely contact parents and guardians. However, a process to track family involvement has not been consistently implemented throughout the state facilities. Review of agency systems and documentation identified that some facilities do better than others at tracking family visits, but these are limited to quantitative information. A process to better document the quality of family involvement and its impact on the individual youth will allow staff to understand youth reactions and, as necessary, adjust counseling and other interactions with the youth.

There were seven recommendations in the audit report. Management agreed with the recommendations provided. Management responses are included in the back of the report.

Case management is central to ensuring youth receive the services they need, and as such, this was a complex audit. The audit and response to the recommendations was discussed with management at the Management Audit Committee last week, and due to the importance of the audit, it is recommended there be additional follow-up by committees. The Finance and Audit Committee will receive routine quarterly updates on the status of any recommendation made by Internal Audit, but due to the importance of this, Ms. Hill is also recommending that the Programs Committee receive briefings on the status of the recommendations as well as other initiatives that management is undertaking to improve the effectiveness of the case management processes. Discussion followed.

Mr. Calvin Stephens moved to approve the Case Management and Treatment Audit. Ms. Jane King seconded. The motion passed unanimously.

Construction Contract Amendment for Giddings State School

Ms. Janie Duarte, Chief Financial Officer, and Art Hinojosa, Director of Construction, presented the construction contract amendment for Giddings State School, in which the scope of work is to convert five buildings from open bay dorms to single cell dorms. The project is the final phase of a \$20 million dorm reconfiguration project to improve safety and security that was appropriated in the 80th Legislative session in 2007. Ms. Duarte stated that this item requires board approval because the contract exceeds the \$300,000 threshold as specified in General Administrative Policy 110.1(d), and stated that the project cost estimate identifies the cost for the additional work is not to exceed the amount of \$2,797,380.

This project falls under appropriations for repairs and renovations to existing TJJD facilities from the 80th Legislature set to expire at the end of the August 2012. Gaeke Construction solicited at least three competitive bids, including bids from HUB subcontractors for the major elements of work that included air conditioning, electrical, masonry and security equipment. Bids were received until 2:00 p.m. March 6, 2012; they were evaluated for completeness and reviewed by the architect for compliance for budget and fair pricing. Discussion followed regarding the estimated duration of the construction, which is 10 months. The construction work will be done one dorm at a time is to manage the youth population.

A proposed resolution was presented requesting that the Board authorize the Executive Director to negotiate and execute the contract amendment.

Mr. Joe Brown moved to approve a resolution for authorization to execute the construction contract amendment for the Giddings State School Dorm Conversion Project. Mr. Jimmy Smith seconded. The motion passed unanimously.

Request to Re-purpose Certain Construction Bond Funds for Youth Recreation at McLennan County State Juvenile Correctional Facility

Ms. Janie Duarte, Chief Financial Officer, reported on the re-purposing certain construction bond funds for a substitute project at McLennan County State Juvenile Correctional Facility, and stated that any contract above \$300,000 requires approval by the Board. The Agency received an appropriation of \$2.86 million for bond funds for new construction of classrooms at the Crockett State School and for recreational building and projects in the Ron Jackson facility in Brownwood. The design of these two projects was approved by the former Texas Youth Commission (TYC) Board, and in early 2011 the staff was in the process of negotiating with BWR Architects when the decision was made to suspend the two projects. In June 2011 the facilities were selected for closure.

A continuing need exists for the construction of youth recreational space at the McLennan location, which is consistent with the purpose of a portion of the appropriation of \$1.1 million for the closed Ron Jackson II facility. The scope of the project would include expansion of the perimeter fence, construction of sports play fields, covered areas and additions to existing gyms. The project would be funded through funds for new construction appropriated from the 80th Legislature, and the bond funding will also expire August 31, 2012.

Due to the time line there are some steps that will be required on an aggressive timeline: approve a substitute plan at an estimated cost not to exceed \$1.1 million, direct the staff to request the necessary approvals for the oversight agencies, authorize staff to complete negotiations with BWR Architects for the design of the project, and delegate authority to the Executive Director to execute a construction contract contingent upon approval of the oversight agencies.

Mr. Calvin Stephens moved to approve the proposed resolution that authorizes staff to proceed with obtaining approval of the LBB and to authorize the Executive Director to execute the necessary agreements and amendments for the design and construction of the recreational space at McLennan. Ms. Jane King seconded. The motion passed unanimously.

Federal Communications Commission Report & Order

Ms. Toysha Martin, General Counsel, reported the TJJD received a notification of an Order by the Federal Communications Commission (FCC) and a demand for immediate payment of over \$231,000 for server equipment that had been purchased by the agency from a Department of Information Resources (DIR) vendor, SBC. The former Texas Youth Commission (TYC) purchased the equipment to improve internet access for facility schools. The Federal Communications Commission (FCC), under its School Library Division (SLD), makes funding available for discounts on eligible school telecommunication services.

She stated the agency was eligible to receive this funding from the FCC, and that the FCC paid the \$231,000 directly to the vendor, SBC. She further reported that a subsequent audit by the federal program determined TYC failed to comply with the competitive bid process. Instead, TYC relied upon the fact that the vendor, SBC, was competitively selected by DIR, and relied on the SBC's communication that they satisfied the requirement for the federal.

In 2006, TYC received a payment demand notice and filed an appeal requesting reconsideration following the initial demand from FCC for the reimbursement of the \$231,000. There was no communication between TYC and the FCC between 2006 and the receipt of the Order and Demand on March 1, 2012 denying the request for reconsideration. The General Counsel requested representation by the Office of the Attorney General. In March of 2011 the FCC issued a memo indicating that they had restructured, creating a more efficient process which allowed them to eliminate a large number of backlogged cases which appears to be the basis of the six year delay in the receipt of the second demand.

Ms. Duarte has been working with the LBB to obtain the necessary capital authority to make the payment. Ms. Martin is currently in contact with the FCC and the SLD Collections Division to attempt to negotiate a settlement. The board advised staff to contact the SBC since they received payment and the agency relied on their statement that they satisfied the competitive bidding process.

It is requested that the matter be tabled at this time so they can follow up with the LBB and SBC as well as the FCC to make some changes and report back to the Board.

In the discussion following Ms. Martin's comments, Mr. Brown noted that this is a 10-year-old debt and there might be a statute-of-limitation problem. Ms. Martin responded that the agency may not be sued over the matter, but the FCC may withhold action on any application or request for benefits from the agency, which would preclude TJJD from ever seeking funding or assistance under other FCC programs. The agency is not currently receiving any direct funding from the FCC; however, the agency has received the benefit of indirect FCC funding through another state agency. Therefore, part of the concern is that there might be some larger detrimental impact on the state of Texas and other agencies, depending on how seriously they would respond to some of this. The agency has tracked down all of the equipment.

Mr. Rob Kyker moved to table this item. Mr. Jimmy Smith seconded. The motion passed unanimously.

Closed Session – Executive Session

The Board adjourned the open meeting and met in closed Executive Session pursuant to Section 551 of the Texas Government Code.

Adjourn

Chairman Fisher reconvened the open meeting, noting that there was no further business before the Board. The meeting was adjourned at 11:30 a.m.